

THE LAW OFFICE OF NESSA B. MATH, LLC

BY: Nessa B. Math, Esquire

I.D.# 79484

Attorney for Plaintiff

2207 Chestnut Street

Philadelphia, PA 19103

(215) 57-9947

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER OWENS

Civil Action No. 08-CV-0365

Plaintiff

vs.

SUNGARD AVAILABILITY SERVICES

Defendant

RULE

AND NOW, this day of , 2009, upon consideration of Motion of Counsel for Plaintiff for Leave to Withdraw as Plaintiff's counsel, a Rule is hereby entered to show cause why said Motion should not be granted.

RULE RETURNABLE this day of , 2009.

All proceedings to stay meanwhile.

BY THE COURT:

J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER OWENS

Civil Action No. 08-CV-0365

Plaintiff

vs.

SUNGARD AVAILABILITY SERVICES

Defendant

ORDER

AND NOW, this day of , 2009, upon consideration of the Motion of Counsel for Plaintiffs for Leave to Withdraw as Plaintiffs' counsel; it is hereby ORDERED and DECREED that said Petition is GRANTED.

It is further ORDERED and DECREED that NESSA B MATH, ESQUIRE be permitted to withdraw her appearance as counsel of record for the Plaintiffs in the above-captioned matter.

BY THE COURT:

J.

THE LAW OFFICE OF NESSA B. MATH, LLC

BY: Nessa B. Math, Esquire

I.D.# 79484

Attorney for Plaintiff

2207 Chestnut Street

Philadelphia, PA 19103

(215) 57-9947

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER OWENS

Civil Action No. 08-CV-0365

Plaintiff

vs.

SUNGARD AVAILABILITY SERVICES

Defendant

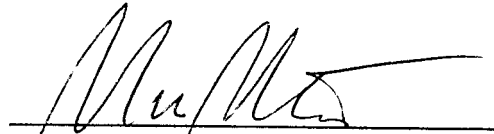
**PETITION OF COUNSEL FOR PLAINTIFF
FOR LEAVE TO WITHDRAW**

NESSA B. MATH, ESQUIRE, Petitioner/Plaintiff's Counsel, hereby petitions the Court for Leave to Withdraw as Counsel to Plaintiff in the above-captioned matter. In support of this Petition, Petitioner avers the following:

1. Counsel for Plaintiff, Christopher Owens, initially entered her appearance on behalf of Plaintiff on January 23, 2008, when the civil action complaint for Owens v. Sungard Availability Services, USDC, EDPa, No. 08-cv-0365 was filed on Plaintiffs' behalf by counsel.
2. In recent attempts to contact Plaintiff by telephone, at his home, cell phone and work numbers, Plaintiff has not answered any of counsel's calls.
3. Likewise, Plaintiff has not responded to counsel's letters requesting that he contact counsel to discuss his case.

4. Under the above circumstances, counsel is unable effectively to represent Plaintiff or his interests, and counsel believes and therefore avers that the attorney/ client relationship has been irretrievably broken.

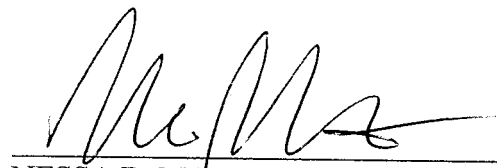
WHEREFORE, Petitioner/Plaintiff's Counsel respectfully requests that this Honorable Court grant her permission to withdraw as counsel of record in the above-captioned matter.



NESSA B. MATH
Attorney for Plaintiff

VERIFICATION

I, NESSA B. MATH, ESQUIRE, verify that the facts set forth in the foregoing are true and correct to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 18 Pa.C.S. paragraph 4904 relating to unsworn falsification to authorities.



NESSA B. MATH

THE LAW OFFICE OF NESSA B. MATH, LLC

BY: Nessa B. Math, Esquire

I.D.# 79484

Attorney for Plaintiff

2207 Chestnut Street

Philadelphia, PA 19103

(215) 57-9947

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER OWENS

Civil Action No. 08-CV-0365

Plaintiff

vs.

SUNGARD AVAILABILITY SERVICES

Defendant

**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR
LEAVE TO WITHDRAW**

I. FACTS:

Counsel for Plaintiff, Christopher Owens, initially entered her appearance on behalf of Plaintiff on January 23, 2008, when the civil action complaint for Owens v. Sungard Availability Services, USDC, EDPa, No. 08-cv-0365 was filed on Plaintiffs' behalf by counsel. In recent attempts to contact Plaintiff by telephone, at his home, cell phone and work numbers, Plaintiff has not answered any of counsel's calls. Likewise, Plaintiff has not responded to counsel's letters requesting that he contact counsel to discuss his case.

Under the above circumstances, counsel is unable effectively to represent Plaintiff or his interests, and counsel believes and therefore avers that the attorney/ client relationship has been irretrievably broken.

II. LEGAL ARGUMENT:

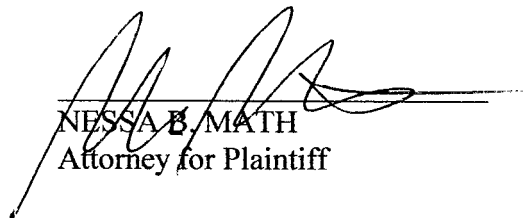
Counsel may seek to withdraw from representation for a variety of reasons, from ethical to financial. Jones v. Bhatt, 50 Pa. D.& C.4th 544 (Pa.Com.Pl. 2001). The notes to Rules of Professional Conduct 1.16(b) provide a lawyer may withdraw from representation of a client if the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services, or if the representation has been rendered unreasonably difficult by the client.

In the case at bar, Plaintiff has failed to fulfill his obligation to Plaintiff's counsel by repeatedly failing to respond to counsel's telephone calls and letters for numerous months. This behavior on the part of Plaintiff has rendered representation unreasonably difficult, if not impossible.

III. CONCLUSION:

For all the reasons stated herein, Petitioner/Plaintiffs' Counsel respectfully requests that this Honorable Court grant her permission to withdraw as counsel of record in the above-captioned matter.

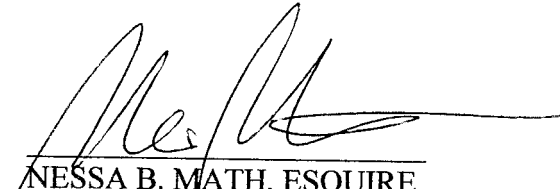
Respectfully submitted,



NESSA B. MATH
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, Nessa B. Math, Esquire, do hereby certify that I have served a true and correct copy of the within pleading upon all parties and all counsel of record on this day, in accordance with Pa.R.C.P. 440 upon all counsel and/or parties who, according to the court's electronic case filing system, are not registered in the ECF system by first-class mail. All other parties will be electronically served by the Court in accordance with Pa.R.C.P.205.4(G).



NESSA B. MATH, ESQUIRE
Attorney for Plaintiff, Christopher Owens

DATED: 5/13/09